

in lieu of such general statement of substandard quality when the quality of the tomato juice falls below the standard in one or more respects, the label may bear the alternative statement, “Below Standard in Quality _____”, the blank to be filled in with the words specified after the corresponding paragraph (s) under paragraph (b)(1) of this section which such tomato juice fails to meet, as follows:

- (i) “Poor color”.
- (ii)(a) “Excessive pieces of peel”.
- (b) “Excessive blemishes”.
- (c) “Excessive seeds” or “excessive pieces of seed”.

(c) *Fill of container.* (1) The standard of fill of container for tomato juice, as determined by the general method for fill of container prescribed in §130.12(b) of this chapter, is not less than 90 percent of the total capacity, except when the food is frozen.

(2) Determine compliance as specified in §156.3(d).

(3) If the tomato juice falls below the standard of fill prescribed in paragraph (c)(1) and (2) of this section, the label shall bear the general statement of substandard fill specified in §130.14(b) of this chapter, in the manner and form therein prescribed.

[48 FR 3957, Jan. 28, 1983, as amended at 58 FR 2883, Jan. 6, 1993]

PART 158—FROZEN VEGETABLES

Subpart A—General Provisions

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AUTHORITY: 21 U.S.C. 321, 341, 343, 348, 371.

Subpart A—General Provisions

§158.3 Definitions.

For the purposes of this part the following definitions shall apply:

(a) *Lot.* A collection of primary containers or units of the same size, type and style manufactured or packed under similar conditions and handled as a single unit of trade.

(b) *Lot size.* The number of primary containers or units (pounds when in bulk) in the lot.

(c) *Sample size.* The total number of sample units drawn for examination from a lot.

(d) *Sample unit.* A container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(e) *Defective.* Any sample unit shall be regarded as defective when the sample unit does not meet the criteria set forth in the standards.

(f) *Acceptance number.* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements. The following acceptance numbers shall apply:

Lot size (primary container)	Size container	
	<i>n</i> ¹	<i>c</i> ²
NET WEIGHT EQUAL TO OR LESS THAN 1 KG (2.2 LB)		
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19
NET WEIGHT GREATER THAN 1 KG (2.2 LB)		
Number of Pounds		
20,000 or less	13	2
More than 20,000 to 100,000	21	3
More than 100,000 to 200,000	29	4
More than 200,000 to 400,000	48	6
More than 400,000 to 600,000	84	9
More than 600,000 to 1,000,000	126	13
More than 1,000,000	200	19

¹ *n*=number of sample units.

² *c*=acceptance number.

(g) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

[42 FR 14461, Mar. 15, 1977]

Subpart B—Requirements for Specific Standardized Frozen Vegetables

§158.170 Frozen peas.

(a) *Identity—(1) Product definition.* Frozen peas is the food in “package” form as that term is defined in §1.20 of